
MINUTES

WEDNESDAY 10 JUNE 2009

1.03pm – 2.29pm

2.37pm – 2.57pm

3.07pm – 5.09pm

**Committee Room 1
Ground Floor, Council Offices
101 Wakefield Street
Wellington**

PRESENT:

Councillor Gill (Chair) (1.03pm – 2.29pm, 2.37pm – 2.57pm, 3.07 – 5.09pm)

Councillor Best (1.03pm – 2.29pm, 2.37pm – 2.57pm, 3.07 – 5.09pm)

Councillor Cook (1.03pm – 2.29pm, 2.37pm – 2.57pm, 3.07 – 5.09pm)

Councillor Goulden (Deputy Chair) (1.03pm – 2.29pm, 2.37pm – 2.57pm, 3.16 – 5.09pm)

Councillor McKinnon (as the Mayor's nominee in her absence) (1.03pm – 2.29pm,
2.37pm – 2.57pm, 3.07 – 3.11pm)

Councillor Wain (1.03pm – 2.29pm, 2.37pm – 2.57pm)

APOLOGIES:

Mayor Prendergast

Councillor Pannett

Councillor Wain (early departure)

033/09RP **APOLOGIES**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Cook, the motion that apologies for absence be accepted from Mayor Prendergast and Councillor Pannett and an apology for an early departure from Councillor Wain.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Accept apologies for absence from Mayor Prendergast and Councillor Pannett.*
- 2. Accept an apology for an early departure from Councillor Wain.*

034/09RP **MINUTES FOR CONFIRMATION**
(1215/53/IM)

Moved Councillor Gill, seconded Councillor Best the motion that the Regulatory Processes Committee approve the minutes of the meeting held on Wednesday 13 May 2009 having been circulated, and agree that they be taken as an accurate record of that meeting.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

- 1. Approve the minutes of the meeting held on Wednesday 13 May 2009 having been circulated, and agree that they be taken as an accurate record of that meeting.*

035/09RP **CONFLICT OF INTEREST DECLARATIONS**
(1215/53/IM)

NOTED:

There were no conflicts of interest.

036/09RP **PUBLIC PARTICIPATION**
(1215/53/IM)

NOTED:

1. Beth Huntingdon, Secretary of the Newlands Community House Incorporated Management Committee addressed the meeting in relation to Report 1 - Request for a Fresh Lease from the Newlands Community House Incorporated. She advised the Committee that the Community House would like 2 year lease.
2. Margaret Brown, Chair of the Management Committee at the Newlands Community House Incorporate addressed the meeting in relation to Report 1 - Request for a Fresh Lease from the Newlands Community House Incorporated. She advised the Committee that the Community House would like 2 year lease.
Mrs Brown tabled letters of support as supplementary information.
3. Eyal Arahoni of the Prime Property Group addressed the meeting in relation to District Plan Change 48. He does not want height restrictions on buildings in the city, and thinks there needs to be more infill housing and less restriction on development.
4. Bruce Kelly representing himself and 9 others as Section 274 respondents to the District Plan Change 61 – Rezoning of land off Huntleigh Park Way, Heke Street, and Thatcher Crescent (Ngaio) from Rural Area to Residential (Outer) Area addressed the meeting. The group opposes the proposed plan change.
Mr Kelly tabled his notes as supplementary information.

037/09RP **REQUEST FOR A FRESH LEASE FROM THE NEWLANDS
COMMUNITY HOUSE INCORPORATED**

Report of Wendy Walker, Director - Citizen Engagement and Lucy Ross,
Team Leader – Property Management.

(1215/53/IM)

(REPORT 1)

Moved Councillor Gill, seconded Councillor Wain the substantive motion.

Moved Councillor McKinnon, seconded Councillor Best the motion that the report be referred to Council for final decision.

Councillor Goulden requested that the following words be taken down

“the mover and seconder are gutless by referring this report to Council where they have the numbers to defeat the aspirations of the community.”

(The meeting adjourned at 2.29pm and reconvened at 2.37pm.)
(Councillors Best, Cook, Gill, Goulden, McKinnon and Wain were present then the meeting reconvened.)

The motion that the report be referred to Council was put and a division called.

Voting for: Councillors Best, Gill, McKinnon and Wain.

Voting against: Councillors Cook and Goulden.

Majority vote: 4:2

The motion that the report be referred to Council was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. Refer the report to Council for final decision.

NOTED:

The resolution differs from the recommendation in the officer's report as follows:

The Committee added the text in **bold**.

(Councillor Goulden left the meeting at 2.57pm.)

(Councillor Wain left the meeting at 2.57pm.)

(The meeting adjourned for afternoon tea at 2.57pm and reconvened at 3.07pm.)

(Councillor Best, Cook, Gill and McKinnon were present when the meeting reconvened.)

038/09RP **ORDER OF BUSINESS**
(1215/53/IM)

NOTED:

The Chair advised that the remainder of the agenda would be taken as follows:

- Report 4 - Menacing Dog classification – Report back to the Committee as to the outcome of the owner's response to the Committee's decision

- Report 2 - Granting of a License for a Community Orchard to Brooklyn Transition Town Inc.
- Report 3 - Granting of a fresh ground lease to Wellington Scottish Athletics Club Incorporated
- Report 9 District Plan Change 61 – Rezoning of land off Huntleigh Park Way, Heke Street, and Thatcher Crescent (Ngaio) from Rural Area to Residential (Outer) Area
- Report 8 District Plan Change 60 – Churton Park Suburban Centre rezoning – Appeal Mediation
- Report 5 District Plan Change 48 Central Area Review – Resolution of Appeals
- Report 6 District Plan Change 48 Central Area Review – Resolution of Appeals
- Report 7 District Plan Change 48 Central Area Review – Resolution of Appeals

039/09RP **MENACING DOG CLASSIFICATION – REPORT BACK TO THE COMMITTEE AS TO THE OUTCOME OF THE OWNER’S RESPONSE TO THE COMMITTEE’S DECISION**
(1215/53/IM) (ORAL REPORT)

NOTED:

The Meeting noted that the Chair has signed the Hearing Decision and that it had formally been sent to Mr McClelland. A copy has been duly filed.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Acting under delegated authority from Council, issue a final decision to accept the Applicant's objection to the Council's Menacing Dog Classification Notice dated 4 February 2009. The final decision is to rescind the classification of the Applicant's dog, named 'Boris', as menacing pursuant to section 33A of the Dog Control Act 1996 (**the Act**). The decision is made following the Applicant's agreement to carry out the following conditions in a signed undertaking:*
 - (a) *Commence aversion training for 'Boris' within 21 days.*
 - (b) *Install a containment system (electronic collar/fencing deterrent device) surrounding the back section and part of the front section where the front door is located. Installation to be completed within 21 days.*
 - (c) *Ensure 'Boris' is fully contained in the back part of the section when no-one is at home.*
 - (d) *Install a 'please shut the gate' sign.*

- (e) *Immediately pay the infringement notice fine which was issued on 17 February 2009.*
2. *Note that the Applicant's signed written undertaking to the above effect was received by Council within the required timeframe outlined in the Committee's interim decision.*

040/09RP **GRANTING OF A LICENSE FOR A COMMUNITY ORCHARD TO BROOKLYN TRANSITION TOWN INC.**

Report of Lucy Ross, Team Leader, Property Management, Amber Bill, Manager, Community Engagement and Reserves, and Eleanor Doig, Senior Advisor, City Communities.

(1215/53/IM)

(REPORT 2)

Moved Councillor Gill, seconded Councillor Cook the substantive motion.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Approve subject to the conditions below, the granting of a license to Brooklyn Transition Town Inc under the Local Government Act 2002:*

| <i>Location</i> | <i>Term</i> | <i>Annual Rental</i> |
|---|---|-----------------------------|
| <i>Brooklyn walkway Between Harrison St and Garfield St</i> | <i>10 years plus one 10 year right of renewal</i> | <i>\$1, if demanded</i> |

Any approval to grant a license is conditional upon:

- (a) *Appropriate consultation with iwi;*
- (b) *Appropriate consultation in accordance with section 138 of the Local Government Act 2002;*
- (c) *There being no objections or sustained objections resulting from the abovementioned consultation or notification.*
- (d) *The lessee pays for the legal and advertising costs associated with preparing the license.*

041/09RP **GRANTING OF A FRESH GROUND LEASE TO WELLINGTON SCOTTISH ATHLETICS CLUB INCORPORATED**

Report of Heather Cotton, Property Advisor, Property Management, and Paul Andrews, Manager, Parks and Gardens.
(1215/53/IM)

(REPORT 3)

Moved Councillor Cook, seconded Councillor McKinnon the substantive motion.

The motion was put and declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Approve subject to the conditions below, the granting of a new ground lease to Wellington Scottish Athletic Club Incorporated, pursuant to the Reserves Act 1977:*

| <i>Location</i> | <i>Term</i> | <i>Annual Rental</i> |
|--|-----------------|----------------------|
| <i>Prince of Wales Park, Westland Road, Mount Cook</i> | <i>10 years</i> | <i>\$326 + GST</i> |

Any approval to grant a lease is conditional upon:

- (a) Appropriate consultation with iwi.*
- (b) The lease being publicly notified in accordance with section 119 of the Reserves Act 1977 and the appropriate Management Plan.*
- (c) There being no objections or sustained objections resulting from the abovementioned consultation or notification.*
- (d) The lessee pays for the legal and advertising costs associated with preparing the lease.*

042/09RP **RESOLUTION TO EXCLUDE THE PUBLIC**

(1215/11/IM)

Moved Councillor Gill, seconded Councillor Best the motion to exclude the public.

The motion was put and was declared CARRIED.

RESOLVED:

THAT the Regulatory Processes Committee:

1. Pursuant to the provisions of the Local Government Official Information and Meetings Act 1987, resolve that the public be excluded from the following part of the proceedings of this meeting namely:

Report 5 District Plan Change 48 Central Area Review – Resolution of Appeals

- Grounds:* Section 48(1)(a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
- Reason:* Section 7(2)(g) maintain legal professional privilege.
Section 7(2)(i) to enable the Council to carry out negotiations without prejudice or disadvantage.

Report 6 District Plan Change 48 Central Area Review – Resolution of Appeals

- Grounds:* Section 48(1)(a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
- Reason:* Section 7(2)(g) maintain legal professional privilege.
Section 7(2)(i) to enable the Council to carry out negotiations without prejudice or disadvantage.

Report 7 District Plan Change 48 Central Area Review – Resolution of Appeals

- Grounds:* Section 48(1)(a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.
- Reason:* Section 7(2)(g) maintain legal professional privilege.
Section 7(2)(i) to enable the Council to carry out negotiations without prejudice or disadvantage.

Report 8 District Plan Change 60 – Churton Park Suburban Centre rezoning – Appeal Mediation

- Grounds: Section 48(1)(a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.*
- Reason: Section 7(2)(g) maintain legal professional privilege.
Section 7(2)(i) to enable the Council to carry out negotiations without prejudice or disadvantage.*

Report 9 District Plan Change 61 – Rezoning of land off Huntleigh Park Way, Heke Street, and Thatcher Crescent (Ngaio) from Rural Area to Residential (Outer) Area

- Grounds: Section 48(1)(a) that public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under Section 7.*
- Reason: Section 7(2)(g) maintain legal professional privilege.
Section 7(2)(i) to enable the Council to carry out negotiations without prejudice or disadvantage.*

2. *Permit John McSweeney and Boyden Evans to remain at this meeting, after the public has been excluded because of their knowledge of Report 9 District Plan Change 61 – Rezoning of land off Huntleigh Park Way, Heke Street, and Thatcher Crescent (Ngaio) from Rural Area to Residential (Outer) Area as this knowledge, may be of assistance in relation to the matter being discussed.*

The meeting went into public excluded session at 3.10pm.
(Councillor McKinnon left the meeting at 3.11pm.)
(Councillor Goulden returned to the meeting at 3.16pm.)

For items 043/09RP to 047/09RP, please see the public excluded minutes.

The meeting concluded at 5.09pm.

Confirmed: _____

Chair
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